



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,515	04/09/2001	Richard L. Schwartz	SMIO.0100001	6719

7590

07/29/2003

Thomas R. Felger
Baker Botts L.L.P.
98 Jacinto Center
Austin, TX 78701

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,515

Applicant(s)

SCHWARTZ ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 44 and 45** are objected to because of the following informalities: **claim 44**, line 1 "claim 44" should be "claim 43" and **claim 45** has the same problem.

Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-70** are rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (US 5,872,841).

Regarding **claim 1**, King discloses a method for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed "a method for facilitating mediated virtual communication"), comprising:

receiving, by a mediation system (15 on FIG. 1), a communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determining, by the mediation system, a context (column 7, line 12 "preferences of the called party") associated with the communication request in response to receiving

the communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party]; and

preparing, by the mediation system, contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party].

Regarding **claims 2, 12, 23, 47, 49, 55 and 62**, King discloses wherein receiving the communication request includes receiving an inbound communication request (column 2, lines 57-65); and

preparing the contextual decision information includes preparing a plurality of follow through actions and preparing a communication summary including a plurality of context components (column 2, lines 57-65).

Regarding **claims 3, 13, 50 and 56**, King discloses transmitting the plurality of follow-through actions and the communication summary from the mediation system for reception by a mediation subscriber communication device (column 7, lines 53-63);

receiving, by the mediation system from the mediation subscriber communication device, a selected one of the follow-through actions (column 7, lines 34-52); and

facilitating a mediated follow-through operation based at least partially on the selected one of the follow-through actions (column 7, lines 40-52).

Art Unit: 2645

Regarding **claims 4, 26, 34, 51 and 65**, King discloses wherein facilitating the mediated follow-through operation includes:

determining a mediation subscriber behavior relating to the communication request (column 7, lines 5-14); and

performing the mediated follow-through operation based at least partially on the mediation subscriber behavior (column 7, lines 15-23).

Regarding **claims 5, 14, 27, 35, 42, 52 and 57**, King discloses updating a data set in a mediation subscriber profile in response to receiving a follow-through action (column 9, lines 50-67).

Regarding **claims 6, 15 and 28**, King discloses wherein updating the data set includes updating a policy data set (column 9, lines 50-67).

Regarding **claims 7, 16 and 29**, king discloses wherein updating the data set includes updating an action history data set (column 9, lines 50-67).

Regarding **claims 8, 17 and 30**, King discloses wherein updating the data set includes updating a communication history data set (column 9, lines 50-67).

Regarding **claims 9, 18 and 31**, King discloses wherein updating the data set includes updating an availability history data set (column 9, lines 50-67).

Regarding **claims 10, 19 and 32**, King discloses wherein updating the data set includes updating a mediation activity data set (column 9, lines 50-67).

Regarding **claims 11, 37 and 54**, King discloses wherein updating the data set includes archiving information associated with the communication request, archiving an availability status associated with the communication request and archiving a selected follow-through action associated with the inbound communication (column 10, lines 1-10).

Regarding **claims 20, 38, 43 and 59**, King discloses wherein determining the context includes determining a present availability status (column 3, lines 7-13).

Regarding **claims 21, 39, 44 and 60**, King discloses wherein determining the present availability status includes determining the present availability status of a mediation subscriber (column 3, lines 14-20).

Regarding **claims 22, 40, 45 and 61**, King discloses wherein determining the present availability status includes determining the present availability status of a mediated party (column 3, lines 7-13).

Regarding **claims 24 and 63**, King discloses wherein determining the system-imposed follow-through action includes determining a default follow-through action designated in a mediation subscriber profile (column 3, lines 21-31).

Regarding **claims 25, 64 and 66**, King discloses wherein determining a default follow-through action includes determining a voice mailbox address (column 3, lines 32-38).

Regarding **claim 33**, King discloses a method for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed “a method for facilitating mediated virtual communication”), comprising:

receiving, by a mediation system (15 on FIG. 1), an inbound communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determining, by the mediation system, a context (column 7, line 12 “preferences of the called party”) associated with the communication request in response to receiving the inbound communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party];

preparing, by the mediation system, contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party],

wherein preparing the contextual decision information includes preparing a plurality of follow-through actions and preparing a communication summary including a plurality of context components (column 7, lines 24-33) [The calendar system queries the calling party with multiple options until an acceptable time slot is found];

transmitting the plurality of follow-through actions and the communication summary from the mediation system for reception by a mediation subscriber communication device (column 7, lines 53-63) [The calendar system notifies the called party of the new schedule];

receiving, by the mediation system from the mediation subscriber communication device, a selected one of the follow-through actions (column 7, lines 34-52) [The called party expresses a preference and the preference is followed]; and

facilitating a mediated follow-through operation (column 7, line 41 “who will make the callback”) based at least partially on the selected one of the follow-through actions (column 7, lines 40-52) [The called party expresses a preference and the preference is followed and the calendar system communicates this preference to the calling party for confirmation].

Regarding **claims 36, 53, 58 and 67**, King discloses wherein updating the data set includes updating a data set selected from a group of data sets consisting of an action history data set, a communication history data set, an availability history data set, a mediation activity data set (column 9, lines 50-67).

Art Unit: 2645

Regarding **claim 41**, King discloses a method for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed “a method for facilitating mediated virtual communication”), comprising:

receiving, by a mediation system (15 on FIG. 1), an outbound communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determining, by the mediation system, a context (column 7, line 12 “preferences of the called party”) associated with the communication request in response to receiving the communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party];

preparing, by the mediation system, contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party],

wherein preparing the contextual decision information includes preparing a plurality of follow-through actions (column 7, lines 24-33) [The calendar system queries the calling party with multiple options until an acceptable time slot is found];

transmitting the plurality of follow-through actions for reception by a mediation subscriber communication device (column 7, lines 53-63) [The calendar system notifies the called party of the new schedule];

receiving, by the mediation system from the mediation subscriber communication device, a selected one of the follow-through actions (column 7, lines 34-52) [The called party expresses a preference and the preference is followed]; and

Art Unit: 2645

facilitating a mediated follow-through operation (column 7, line 41 “who will make the callback”) based at least partially on the selected one of the follow-through actions (column 7, lines 40-52) [The called party expresses a preference and the preference is followed and the calendar system communicates this preference to the calling party for confirmation].

Regarding **claim 46**, King discloses a method for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed “a method for facilitating mediated virtual communication”), comprising:

receiving, by a mediation system (15 on FIG. 1), a communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determining, by the mediation system, a context (column 7, line 12 “preferences of the called party”) associated with the communication request in response to receiving the communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party],

wherein determining the context includes analyzing a data set (63 on FIG. 3) associated with a mediation subscriber profile (column 7, line 19 “a subscriber on the system”) and determining a present availability status (column 7, lines 24-33) [The calendar system queries the calling party with multiple options until an acceptable time slot is found]; and

preparing, by the mediation system, contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party].

Regarding **claim 48**, King discloses a method for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed "a computer program product"), comprising:

a computer program processable (33 on FIG. 5) by a data processor (60 on fig. 3) to implement a mediation system (column 6, lines 35-54) [The agent module reserves the time slot in the calendar for the call]; and

an apparatus (15 on FIG. 1) from which the computer program is accessible by the data processor (column 6, lines 55-60) [The agent module notifies parties of the changes made to the calendars];

the computer program capable of enabling the data processor to:

receive a communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determine a context (column 7, line 12 "preferences of the called party") associated with the communication request in response to receiving the communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party];
and

prepare contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party].

Regarding **claim 68**, King discloses a method for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed "a computer program product"), comprising:

a computer program processable (33 on FIG. 5) by a data processor (60 on FIG. 3) to implement a mediation system (column 6, lines 35-54) [The agent module reserves the time slot in the calendar for the call]; and

an apparatus (15 on FIG. 1) from which the computer program is accessible by the data processor (column 6, lines 55-60) [The agent module notifies parties of the changes made to the calendars];

the computer program capable of enabling the data processor to:

receive a communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determine a context (column 7, line 12 "preferences of the called party") associated with the communication request in response to receiving the inbound communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party];

prepare contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party],

wherein preparing the contextual decision information includes preparing a plurality of follow-through actions and preparing a communication summary including a plurality of context components (column 7, lines 24-33) [The calendar system queries the calling party with multiple options until an acceptable time slot is found];

transmit the plurality of follow-through actions and the communication summary from the data processor for reception by a mediation subscriber communication device (column 7, lines 53-63) [The calendar system notifies the called party of the new schedule];

receive, by the data processor from the mediation subscriber communication device, a selected one of the follow-through actions (column 7, lines 34-52) [The called party expresses a preference and the preference is followed]; and

facilitate a mediated follow-through operation (column 7, line 41 “who will make the callback”) based at least partially on the selected one of the follow-through actions (column 7, lines 40-52) [The called party expresses a preference and the preference is followed and the calendar system communicates this preference to the calling party for confirmation].

Regarding **claim 69**, King discloses an apparatus for scheduling a telephone call (column 1, lines 6-8), (which reads on claimed "a system for facilitating mediated virtual communication"), comprising:

a system (15 on FIG. 1) to connect to a data packet network (16 on FIG. 1) and to a voice network (10 on FIG. 1), the system to:

receive a communication request (column 7, lines 1-14) [The calendar system receives a call from a calling party];

determine a context (column 7, line 12 "preferences of the called party") associated with the communication request in response to receive the communication request (column 7, lines 5-14) [The calendar system determines the called party preferences based on the input receive from the calling party]; and

preparing contextual decision information in response to determining the context (column 7, lines 15-23) [The calendar system finds a next available time slot in the calendar of the called party].

Regarding **claim 70**, King discloses wherein the mediation system includes a data packet client and a computer-telephone interface client (column 2, lines 48-56);

the data packet network includes a data packet server (16 on FIG. 1);

the voice network includes a computer-telephone interface client sever (15 on FIG. 1) and an interactive voice response system (21 on FIG. 7) connected to the computer-telephone interface; and

the mediation system is to:

facilitate data packet-based communication with a mediation subscriber
for preparing the contextual decision information (column 7, lines 40-52);

facilitate voice-based communication with a mediated party for
transmitting a follow through action associated with the contextual decision
information to the mediated party (column 7, lines 40-52).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer et al. is cited for a method using a telephone for remote scheduling (FIG. 1).

Akhteruzzaman et al. is cited for an integration of voice mail, email, fax and personal calendar system (FIG. 1).

Neuman is cited for a PBX with short messaging service on a telephone display (FIG. 1).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for

Art Unit: 2645

the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
July 23, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

